
Publish date:

7/27/15

WQC number: 860-0543-WQC-1

Public Notice

Closing Date:

8/25/15

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

**Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits**

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** ICG Hazard, LLC
Mailing Address: 3228 Summit Square Place
Lexington, KY 40509
Contact Person: D. Edward Brown
Telephone No: (859) 543-0515
E Mail Address: ebrown@blackhawkmining.com & dgibson@pinebranchmining.com

2. **Consultant Name & Address:** Nick Baker
950 Contract St. Suite 100 Lexington, KY 40505

Telephone No. (859) 388-9595
E Mail Address: nbaker@aquaticresources.us

3. **Provide a brief description of the proposed activity and stream impact.**
Impacts to "Waters of the Commonwealth" related to proposed surface mining activities, which include but are not limited to coal removal.

4. **Project Location Information:**

County Knott/Breathitt ; **USGS Quadrangle Name** Vest/Noble

Nearest Community & Road Intersection: Ary - KY 1087 & KY 476

Longitude 37.4365 **Latitude** -83.1105 (Approximate center of the project area)

5. **List the names of all streams affected by the proposed project:**
See attached Stream Summary Table

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

See attached stream summary table.

8. Provide the acreage of wetlands that would be impacted: ⁰ _____

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

No direct access by road exists to this site. The location is 3.5 miles northeast of the intersection of KY 1087 and KY 476. Access to the site is by all terrain vehicle only.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes ☒ No ☐. If yes, indicate type of application:

NW 12 ☐ NW 14 ☐ NW 21 ☐ NW 27 ☐ NW 49 ☐
NW 50 ☐ Individual ☒

11. Provide the following permit numbers associated with this mining activity:
SMCRA Permit No. 880-0543, KPDES No. KYG045908

12. The following attachments must be provided:

- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

Aerial Location mapping

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

_____, Date: 6/24/2015
If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601